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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,871	04/09/2004	Michael N. Vogler	3337	9279

7590 03/21/2006  
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EXAMINER

GREEN, BRIAN

ART UNIT PAPER NUMBER

3611

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/820,871	Applicant(s) VOGLER, MICHAEL N.	
	Examiner Brian K. Green	Art Unit 3611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because the figures fail to show the slot labeled “T” as described in the specification, page 8, lines 20-25. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because on line 4 legal phraseology “means” is used which is improper. The abstract is more than 150 words which is improper. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: The specification defines two different elements with regard to the same letter “T”, page 8, line 23 and 15, line 20.

Appropriate correction is required.

**There are two claims numbered 8. The second claim numbered 8 is considered to be claim 9.**

***Claim Objections***

Claims 1-14 are objected to because of the following informalities: In claim 1, lines 9 and 11, “slot” should apparently be “the at least one slot”. In claim 14, line 4. “.d” should apparently be “.”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 11, there is no antecedent basis for “the opposite faces”. In claim 1, lines 12-13, “parallel ribs projecting .... of the opposite face” is awkward and confusing. In claim 1, lines 13-14, there is no antecedent basis for “the tips”. In claim 1, line 14, there is no antecedent basis for “the opposed arrays”. It is not clear whether claim 10 depends on the first claim numbered 8 or the second claim numbered 8 therefore it is not clear whether the applicant provides antecedent basis for “said intersecting slot” on line 3 or for “said transverse slot” on line 5.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosir (U.S. Design Patent No. 453,534) in view of Faneuf (U.S. Pub. No. 2002/0029505) and Kump et al. (U.S. Patent No. 6,082,687).

Kosir shows in figures 1 and 2 a holder comprising an elongated shank, at one end of the shank a pad is attached which appears to be an adhesive for securing the holder to a surface, and a three-dimensional head at the other end for receiving a placard. The head includes a slot with an array of spaced apart ribs projecting from opposite sides of the slot. Kosir does not clearly show the tips of the ribs lying in the same plane and does not clearly indicate whether the one end includes an anchoring means. Faneuf shows in figures 1-12 a slot that includes resilient ribs (122A,122A',122B,122B') which extend inwardly to the centerline of the slot so that the tips of the ribs are in the same plane. In view of the teachings of Faneuf it would have been obvious to one in the art to modify Kosir by making the tips of the ribs in the same plane since this would allow the placard to be inserted into the slot in an easier and more convenient manner. Kump et al. shows in figure 3 the idea of placing anchoring means (62,64) on the one end of a holder. In view of the teachings of Kump et al. it would have been obvious to one in the art to modify Kosir by placing anchoring means on the one end of the shank since this would allow the holder to be attached to and removed from a support surface in an easier, faster, and less damaging manner.

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In regard to claim 3, Kosir does not disclose the idea of making the head semi-spherical in shape. It would have been an obvious matter of design choice to make the head of Kosir semi-spherical in shape since the applicant fails to define any advantage to making the head semi-spherical and the shape taught by Kosir would work equally as well. In regard to claim 4, the slot of Kosir opens in a direction generally opposite from the anchoring means. In regard to claim 11, Kosir shows that the shank is in the form of a flat plate. In regard to claim 12, the area where the shank of Kosir is attached to the head is considered to be the top peripheral portion. In regard to claim 13, Kump et al. shows at least one tongue (62 or 64).

Claims 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosir (U.S. Design Patent No. 453,534) in view of Faneuf (U.S. Pub. No. 2002/0029505) and Kump et al. (U.S. Patent No. 6,082,687) as applied to claims 1 and 4 above and further in view of 2003 Yellow Pages Catalog.

Kosir in view of Faneuf and Kump et al. disclose the applicant's basic inventive concept except for attaching an additional slot to the head. Yellow Pages Catalog shows on page 81, 204 SuperGrip the idea of making the head in the form of a structure that includes two slots. In view of the teachings of Yellow Pages Catalog it would have been obvious to one in the art to modify Kosir by adding an additional slot since this would allow multiple placards to be held at the same time as well as the flexibility to hold a single placard in two different positions. In regard to claim 6, it would have been obvious to one in the art to modify Kosir in view of Yellow Pages Catalog by adding a third slot to the head since this would allow three placards to be held by the

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head and would provide the additional flexibility to hold a placard in three different positions. In regard to claim 7, Yellow Pages catalog shows that the slots intersect at an angle of 90 degrees.

Claims 1,3,4,11,12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosir (U.S. Design Patent No. 453,534) in view of Faneuf (U.S. Pub. No. 2002/0029505) and Gebka (U.S. Patent No. 6,189,247) or Thalenfeld et al. (U.S. Patent No. 5,826,359).

Kosir shows in figures 1 and 2 a holder comprising an elongated shank, at one end of the shank a pad is attached which appears to be an adhesive for securing the holder to a surface, and a three-dimensional head at the other end for receiving a placard. The head includes a slot with an array of spaced apart ribs projecting from opposite sides of the slot. Kosir does not clearly show the tips of the ribs lying in the same plane and does not clearly indicate whether the one end includes an anchoring means. Faneuf shows in figures 1-12 a slot that includes resilient ribs (122A,122A',122B,122B') which extend inwardly to the centerline of the slot so that the tips of the ribs are in the same plane. In view of the teachings of Faneuf it would have been obvious to one in the art to modify Kosir by making the tips of the ribs in the same plane since this would allow the placard to be inserted into the slot in an easier and more convenient manner. Gebka shows in figures 1-5 the idea of placing anchoring means (40) on the one end of a holder. Thalenfeld et al. shows in figure 6 the idea of placing anchoring means (58) on the one end of a holder. In view of the teachings of Gebka or Thalenfeld et al. it would have been obvious to one in the art to modify Kosir by placing anchoring means on the one end of the shank since this would allow the holder to be attached to and removed from a support wire or rod in an easier, faster, and less damaging manner. In regard to claim 3, Kosir does not disclose the idea of

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making the head semi-spherical in shape. It would have been an obvious matter of design choice to make the head of Kosir semi-spherical in shape since the applicant fails to define any advantage to making the head semi-spherical and the shape taught by Kosir would work equally as well. In regard to claim 4, the slot of Kosir opens in a direction generally opposite from the anchoring means. In regard to claim 11, Kosir shows that the shank is in the form of a flat plate. In regard to claim 12, the area where the shank of Kosir is attached to the head is considered to be the top peripheral portion. In regard to claim 14, Gebka and Thalenfeld et al. show that the anchor means includes spaced apart fingers.

Claims 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kosir (U.S. Design Patent No. 453,534) in view of Faneuf (U.S. Pub. No. 2002/0029505) and Gebka (U.S. Patent No. 6,189,247) or Thalenfeld et al. (U.S. Patent No. 5,826,359) as applied to claims 1 and 4 above and further in view of 2003 Yellow Pages Catalog.

Kosir in view of Faneuf and Gebka or Thalenfeld et al. disclose the applicant's basic inventive concept except for attaching an additional slot to the head. Yellow Pages Catalog shows on page 81, 204 SuperGrip the idea of making the head in the form of a structure that includes two slots. In view of the teachings of Yellow Pages Catalog it would have been obvious to one in the art to modify Kosir by adding an additional slot since this would allow multiple placards to be held at the same time as well as the flexibility to hold a single placard in two different positions. In regard to claim 6, it would have been obvious to one in the art to modify Kosir in view of Yellow Pages Catalog by adding a third slot to the head since this would allow three placards to be held by the head and would provide the additional flexibility to hold a



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placard in three different positions. In regard to claim 7, Yellow Pages Catalog shows that the slots intersect at an angle of 90 degrees.

*Allowable Subject Matter*

Claims 9 (second claim numbered 8) and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg  
March 17, 2006

  
BRIAN K. GREEN  
PRIMARY EXAMINER